

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: November 10, 2009
SUBJECT: **CONDITIONAL USE PERMIT NO. 2009-026 (ROCKIN CREPES)**
LOCATION: 8943 Atlanta Avenue, 92646 (northwest corner of Atlanta Avenue and Magnolia Street)

**Applicant/
Business**

Owner: Martha Bennett, Rockin Crepes, 8943 Atlanta Avenue, Huntington Beach, CA 92646

Property

Owner: Watt Management, 425 18th Street, Huntington Beach, CA 92648

Request: To permit the on-site sale and consumption of alcohol at an existing restaurant.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CN – F1 (Commercial Neighborhood – 0.35 maximum floor area ratio)

Existing Use: Existing Restaurant

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the minor modification to an existing use within an existing multi-tenant commercial shopping center.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-026:

1. Conditional Use Permit No. 2009-026 to permit the sale of alcoholic beverages for onsite consumption at an existing restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed alcohol sales is not anticipated to generate additional noise, traffic, parking, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. Residential uses to the north of the subject site are buffered from the existing restaurant by mature landscaping, a 6 ft. high property line fence, a 26 ft. wide drive aisle and the restaurant building. The restaurant storefront and entrance is oriented toward Atlanta Avenue, away from the residences. In addition, the sales and consumption of alcoholic beverages shall be contained within the restaurant, and shall be in conjunction with a bona fide eating establishment.
2. The conditional use permit will be compatible with surrounding uses because the on-site sale and consumption of alcoholic beverages will be ancillary to an existing restaurant use and will occur entirely within the interior of the building at an established commercial center containing similar and complimentary uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it is located. The existing restaurant conforms to applicable site development requirements including required minimum setbacks and required onsite parking. The on-site sale and consumption of alcoholic beverages is permitted within the CG (Commercial General) zoning district with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CN – F1 (Commercial Neighborhood – 0.35 max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Objective - LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Economic Development Element

Policy - ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The requested conditional use permit will accommodate an existing commercial development by allowing the addition of alcohol sales to a permitted land use (restaurant). The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-026:

1. The site plan and floor plans received and dated August 26, 2009 shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The use shall comply with the following:
 - a. The sale, service, and consumption of alcoholic beverages shall be restricted to the interior of the business. **(PD)**
 - b. Food service from the regular menu shall be available during all times the business is open to the public. **(PD)**

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.